

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.407 of 2018

Arising Out of PS.Case No. -353 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Lalan Yadav, son of late Sukhari Yadav,
 2. Anil Yadav, son of Lalan Yadav, both are resident of village-Madhampur,
Police Station-Harsidhi, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 26-02-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Harsidhi P.S.**

Case No.353 of 2017 instituted for the offence under Section(s)

341, 447, 324, 307, 354-B, 379, 504, 506/34 Indian Penal Code.

Counsel for the petitioners has submitted that there is case and counter case between the parties. Counter case has been filed by petitioner no.1 vide Harsidhi P.S. Case No.347 of 2017, wherein, both the petitioner have sustained injuries. Injury report of these petitioners have been annexed as Anenxure-3 series.

In the instant case, there is allegation that petitioner no.2 assaulted seven years old son of the informant with *Daab* on



the head, petitioner no.1 assaulted the husband of the informant with *farsa*. Further allegation is that both the petitioners assaulted the husband of the informant with *Daab*. Injury report of both the injured are available in the case diary, wherein, doctor has found simple injury on their person.

The Additional Sessions Judge has mentioned in the impugned order that the occurrence took place due to minor scuffle between the parties. The informant has mentioned in the written report that petitioner no.1 is her *Bhaisur*.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Harsidhi P.S. Case No.353 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Motihari, East Champarn**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their



absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

JA/- **(Sanjay Priya, J)**

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